

REMARKS

Claims 14-50 are now present in this application.

Claims 14-35 are withdrawn, and claims 36 and 43 have been amended. Reconsideration of the application, as amended, is respectfully requested.

It is noted that the amendments set forth above are identical to those set forth in the After Final Amendment submitted on January 5, 2004, which has not been entered. The only change that has been made is to insert a status identifier into claim 26, as required by the Examiner in the January 30, 2004 Advisory Action. Because the January 5, 2004 Amendment has not been entered, certain remarks contained therein are being re-presented below for the convenience of the Examiner.

With regard to the issues from the June 5, 2003 Amendment which were not addressed by the Examiner in the September 5, 2003 Office Action, the following comments are presented.

February 7, 2001 Information Disclosure Statement

Applicant gratefully acknowledges receipt of the initialed PTO-1449 Form from the February 7, 2001 Information Disclosure Statement, which was attached to the Examiner's January 30, 2004 Advisory Action.

October 24, 2000 Letter to the Official Draftsperson

Applicant gratefully acknowledges that the Examiner has approved the corrected formal drawings submitted on October 24, 2000, as set forth in the Examiner's January 30, 2004 Advisory Action.

October 24, 2000 Certified Copy of the Priority Document

Applicant gratefully acknowledges that the Examiner has acknowledged receipt of the certified copy of the priority document, as set forth in the Examiner's January 30, 2004 Advisory Action.

From the September 5, 2003 Office Action, claims 36-41, 45 and 50 stand rejected under 35 USC 103 as being unpatentable over WILD, WO 89/12006, in view of MEAD et al., U.S. Patent 3,186,625, IKEDA et al., U.S. Patent 4,454,979, RUTTER et al., U.S. Patent 4,981,374, and WILD, European document 380107. This rejection is respectfully traversed.

Claims 42, 43 and 49 stand rejected under 35 USC 103 as being unpatentable over WILD '006 in view of MEAD et al., AKEDA et al., RUTTER et al., and WILD '107, and further in view of OSTENDORF,

European document 524,487. This rejection is respectfully traversed.

Claim 44 stands rejected under 35 USC 103 as being unpatentable over WILD '006, MEAD et al., AKEDA et al., RUTTER et al., WILD '107, OSTENDORF, and further in view of SAITO et al., European document 539,800. This rejection is respectfully traversed.

Claims 46-48 stand rejected under 35 USC 103 as being unpatentable over WILD '006, MEAD et al., AKEDA et al., RUTTER et al., and WILD '107, and further in view of BUICHAMAN et al., WO 98/00286, JENSEN et al., U.S. Patent 4,020,607. AESBACH et al., WO 95/31329, SPIES, U.S. Patent 3,604,491, and TOYOSHIMA, Japanese document 3-289451. This rejection is respectfully traversed.

It is noted that the rejection of the independent claim relies upon five different rejections. Other rejections rely upon even more reference. For example, the rejection of claims 46-48 utilized ten different references. While there is certainly no limit on the number of references an Examiner can use, it is questioned whether the prior art would, in fact, teach the container as recited in these claims. It is submitted that the Examiner has relied upon hindsight in order to reconstruct multiple references in order to arrive at the claimed invention.

Nonetheless, turning to independent claim 36, this claim recites a container with walls including two opposed side walls and an interconnected bottom wall. Also, the container has duct means, which is formed between the two side walls and extends from the compartment to the outside of the container. This duct means is centrally arranged on the opposite side of the container in relation to the bottom wall. Also, carrying means are provided in the connecting portion.

With the combination of elements from claim 36, a container is obtained which is well balanced, allowing smaller misalignments between the duct means and, for instance, a filling nozzle during the filling of the container. The central position of the duct means furthermore reduces any tipping risk of the container due to such misalignments. Consequently, the container is easy to handle both during filling and emptying the compartment of the container. The carrying means also make handling of the flexible container easier both in an empty and filled state. In addition, the first terminal edge of the extending duct means is removed before filling and a new terminal edge is formed after filling the seal of the container.

As explained above, it is questioned whether there is sufficient teaching to combine the divergent references noted by the Examiner. Even assuming, *in arguendo*, that such modifications can be made, the prior art might disclose a container having

carrying means and the duct means not located centrally, or a container not having carrying means and the duct means substantially arranged centrally. Nonetheless, the combination of centrally arranged duct means, carrying means and the sealing of the terminal edge are not found in the prior art.

It is respectfully submitted that one of ordinary skill in the art would not attempt to modify the containers of the prior art as has been proposed by the Examiner. Nonetheless, even if such a combination were done, the claimed combination of the present application would neither be suggested nor rendered obvious. Accordingly, it is respectfully requested that all 35 USC 103 rejections now be reconsidered and withdrawn.

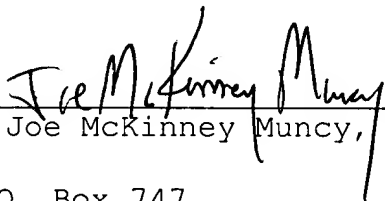
Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)